

AO 91 (Rev. 11/11) Criminal Complaint

FELONY

United States Courts

Southern District of Texas

FILED

May 06, 2021

Nathan Ochsner, Clerk of Court

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America )

v. )

Rafael CASTILLO-Tapia, )

Cesar SILVA-Aguirre )

Case No. B-21-MJ- 491

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 6, 2021 in the county of Cameron in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 &amp; 846

Conspiracy and possession with intent to distribute approximately 76.8 kilograms or more of marijuana, a controlled 1 substance.

This criminal complaint is based on these facts:

See attachment.

☒ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to, signature  
 attested telephonically per fed.r.crim.p.4.1, on May 6, 2021.



Complainant's signature

Michael S. Eyes / Special Agent DEA

Printed name and title

Date: 05/06/2021City and state: Brownsville, Texas

Judge's signature

Ronald G. Morgan, United States Magistrate Judge

Printed name and title

Page 1 of 1

United States

V.

Rafael CASTILLO-Tapia

Cesar SILVA-Aguirre

B-21-MJ-491

## ATTACHMENT – A

## (AFFIDAVIT)

On May 5, 2021, at approximately 9:49 P.M., Harlingen, Texas U.S. Border Patrol agents using a Remote Video Surveillance System (RVSS) near Los Indios, Texas observed several subjects climbing over the security fence at the Los Indios Port of Entry. Border Patrol agents had visual of approximately four subjects walking north at the Port Of Entry, which was already closed. RVSS operator informed field agents the subjects appeared to be carrying large black bundles with straps, which is consistent with the smuggling of narcotics. The subjects continued walking north on the Port Of Entry, at which time Border Patrol Agent Ricardo Delgadillo drove south towards the subjects. RVSS operator stated that the subjects dropped the bundles, climbed back over the fence on the west side of the Los Indios Port Of Entry, and were running south towards the Rio Grande River. At this time Border Patrol Agent David Robles, drove south on the west side of the Port Of Entry. Agents Robles proceeded south on a field road and encountered two subjects laying down against the Port of Entry's chain link fence. The subjects were approximately 75 yards south of the location where RVSS operator had stated that the subjects dropped the bundles and jumped over the fence and maintained observation until USBP agents apprehended them. USBP agent Robles immediately made contact with two of the four subjects identified as Rafael CASTILLO-Tapia and Cesar SILVA-Aguirre. USBP agent Robles identified himself and questioned the subjects as to their citizenship. CASTILLO-Tapia and SILVA-Aguirre stated that they were citizens of Mexico and had no immigration documents to be in or enter the United States. At that time, USBP agents arrested CASTILLO-Tapia and SILVA-Aguirre, and seized the four large bundles of what field-tested positive for marijuana with a combine weight of 76.8 kilograms that CASTILLO-Tapia and SILVA-Aguirre were carrying. USBP agent then transported CASTILLO-Tapia, SILVA-Aguirre and the marijuana to the Harlingen Border Patrol Station for processing. At the Harlingen Border Patrol Station, CASTILLO-Tapia and SILVA-Aguirre were read their Miranda rights via service Form I-214 indicating that they understood their rights. CASTILLO-Tapia and SILVA-Aguirre declined to give a statement without an attorney present at this time, no more questioning took place. Both subjects were found to have strap marks on their shoulders and backs consistent with the carrying of a heavy object. The bundles had ropes and seat belt straps attached to them, which is a common practice used by smugglers. DEA Brownsville agents adopted the case and took custody of the seized marijuana as evidence.

Submitted by reliable electronic means, sworn to, signature  
attested telephonically per fed.r.crim.p.4.1, on May 6, 2021.

*M. Eyes*  
Complainant's Signature

Michael S. Eyes, DEA Special Agent  
Printed Name and Title

Date: May 6, 2021City and State: Brownsville, Texas

*Ronald G. Morgan*  
Judge's Signature

Ronald G. Morgan, United States Magistrate  
Printed Name and Title